



U.S. Department of Justice

United States Trustee
Southern District of California

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REVISED MARCH 2003

To: Bankruptcy Practitioners and Debtors Representing Themselves

From: John Patrick Boyl
Assistant United States Trustee

Re: Debtor Identification Program

Date: March 11, 2003

All individual debtors are required to provide photo identification and proof of social security number to the chapter 7 or chapter 13 trustee at the § 341(a) meeting.

In order to better detect and combat both the inadvertent and the intentional use by debtors of another person's identity and social security number, the United States Trustee Program has determined that requiring proof of identification at § 341 meetings is necessary. Proof of identification will therefore be required by the case trustee at the § 341 meeting. The following guidelines are provided to assist you in preparing your clients. All documents must be original unless otherwise stated in this memorandum.

Acceptable types of picture identification:

Valid state driver's license, U.S. Government ID, state ID, passport (and current U.S. visa, if not a U.S. citizen), military ID, resident alien card, and identity card issued by a national government authority (if authorized by the United States Trustee).

Acceptable proof of social security number ("SSN"):

Social security card, medical insurance card, recent payroll stub*, W-2 Form*, IRS Form 1099 *, and Social Security Administration (SSA) Statement.

Any other form of identification or proof of SSN must be proposed and authorized by the Assistant United States Trustee prior to the scheduled §341(a) hearing.

* A copy is acceptable.

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Consequences for error in SSN:

If there is an error, you will be required to file an Amended Petition pursuant to Fed. R. Bankr. P. 1009 within ten days from the creditors meeting to correct the incorrect social security number.

Failure to do so will result in a Motion to Dismiss pursuant to 11 U.S.C. § 707(a).^{1/}

You will also be required to contact Credit Reporting Agencies and file with them a Notice of Correction of Social Security Number.

Consequences for failure to have required documents:

If a debtor does not have acceptable documents, the 341 meeting will be continued to the trustee's next calendar. Failure to produce the documents at the continued hearing will result in a Motion to Dismiss.

Goal is to protect innocent third parties from intentional and inadvertent use of SSN:

Bankruptcy filings are primarily reported to credit agencies by social security number. The cost and hardship to correct an adverse credit history can be substantial. With your assistance, we should be able to limit the impact on innocent parties of a case which has been filed with an incorrect social security number.

We appreciate your cooperation in implementing this policy.

JPB/mtc

^{1/} Failure to correct social security number may result in dismissal. See *In re Riccardo*, 240B.R.717 (Bankr. S.D.N.Y. 2000).